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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christian M. Hoebener
Application No. : 09/754,716
Filed : January 4, 2001
Title : MOUNT FOR TV MONITOR
Group/Art Unit : 3632
Examiner : T. Le
Docket No. : DAL0002.01 (75225.77)

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Box Response - AF
Honorable Commissioner for Patents
Washington DC 20231

REQUEST FOR RECONSIDERATION

Sir:

Applicant hereby requests the Examiner to reconsider and withdraw the Final Office Action issued on June 4, 2002 as said Final Rejection is premature. In particular, claims 10 and 11 have now been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,400,933 to *Hamilton*. In the previous Office Action of December 5, 2001, however, claims 10 and 11 were only objected to as being dependent upon a rejected base claim (claim 9). The Examiner had indicated that claims 10 and 11 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 10 and 11 were not amended in Applicant's Amendment of March 11, 2002. Claims 10 and 11 both depend from independent claim 9, which was amended in the Amendment of March 11, 2002, but the amendment to claim 9 was restricted to addressing the informalities noted in the claim objections in the Office Action of December 5, 2001.

Therefore, claims 10 and 11 are of the identical scope as previously submitted, and yet the Examiner has now changed the objections in the Office Action of December 5, 2001, to claim rejections under 35 U.S.C. §102(b) in the Final Office Action of June 4, 2002. As the scope of claims 10 and 11 have not changed, Applicant has made no amendments necessitating the new rejection.

Accordingly, as a new ground of rejection has been introduced for claims 10 and 11 that was not necessitated by an amendment of the claims nor based upon information submitted in an Information Disclosure Statement during the period set forth in 37 C.F.R. §1.97(c), the Final Office Action was premature. M.P.E.P. §706.07(a). Applicant is not addressing the merits of the Office Action at this time but reserves the right to do so upon receipt of an answer to this Request for Reconsideration. Should the Examiner disagree with this request, a detailed explanation and supporting references are requested. The Examiner is invited to contact the Applicant's below representative to address any questions or comments.

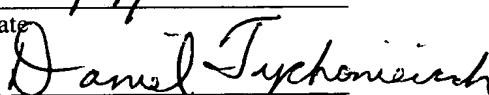
Respectfully submitted,



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I hereby certify that this correspondence is being served by first class mail to the Honorable Commissioner for Patents, Washington, D.C. on June 14, 2002

6/14/02
Date



Daniel Tychonievich, Reg. No. 41,358